

PENALTIES – Updates to Recreational Penalty System

What is being considered?

The Department is considering updates to its recreational penalty schedule.

1. Recreational updates

- Add penalty for failing to immediately release diamondback terrapin – 90 day suspension for second or subsequent offense
- Modify penalty for recreational crabbers violating catch times
 - Currently no buffer for recreational crabbing catch time violations, so if someone is convicted of starting five minutes early they are still eligible for a 90 day suspension
 - The Department is considering adding a 30 minute buffer for first offenses (only suspended if 30 minutes early/late or more)
 - Keep second or subsequent offenses without a buffer
- Add penalties for using prohibited species (largemouth bass, smallmouth bass, striped bass, Northern pike, muskie, tiger muskie, brown trout, brook trout, and walleye) as bait:
 - Tiered system would be similar to the Department’s current penalties for striped bass violations
 - 1 fish: no administrative penalty, just a fine in District Court
 - 2 fish: 90 day suspension
 - 3 fish: 180 day suspension
 - 4-10 fish: 1 year suspension
 - 11-20 fish: 2 year suspension
 - 21 or more fish: 5 year suspension

2. Housekeeping updates: References to regulations which have been removed or amended will be updated.

Why is this change necessary?

The Department regularly updates its penalty schedules under the advice of the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup. The changes the Department is considering are recommendations of the workgroup.

The Department has seen a small number of terrapin violations in recent years. Possession of diamondback terrapins is currently prohibited. There are currently commercial penalties for possession of diamondback terrapin (15 points, resulting in a maximum of a 60 day suspension). The workgroup recommended making the recreational penalty apply on a second or subsequent offense due to the possibility of accidental violations by recreational individuals.

The recommendation to add a buffer for the recreational crabbing time violations intends to recognize the difference in a minor violation versus a more significant violation. For a first offender, an offense of starting less than 30 minutes early or ending less than 30 minutes late would incur a fine, but not a suspension. At that point, the individual would be on notice to adhere more closely to the time limits. A second or subsequent offense would not have the 30 minute “fine only” buffer.

The Department adopted regulations in 2023 to prohibit the use of largemouth bass, smallmouth

bass, striped bass, Northern pike, muskie, tiger muskie, brown trout, brook trout, and walleye as bait. The workgroup recommended adopting tiered suspensions based on the number of individual fish being used as bait similar to the tiered suspensions for striped bass violations. This would reflect the increasing seriousness of the violation as more fish were being used for bait.

Lastly, the Department will make housekeeping corrections to the penalty schedule to ensure that the proper authority is cited for each violation as regulations have been moved or updated.

Who will this affect?

Individuals who violate Maryland fisheries laws.

When would this be effective?

The Department projects that this change could be effective in the spring of 2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

Has this change been discussed with stakeholders?

1. Penalty Workgroup in June, 2023.
2. Discussed at Sport Fisheries Advisory Commission (SFAC) and Tidal Fish Advisory Commission (TFAC) July 2023 meetings as part of the workgroup reports.

Additional Info

Information about penalties, including tables for commercial and recreational violations can be found in the Code of Maryland Regulations (COMAR).

Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure ([COMAR 08.02.13](#))